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EXAMINER

MAYO, TARA L

ART UNIT

PAPER NUMBER

3671

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,940

Applicant(s)

RUANA, BRUCE M.

Examiner

Tara L. Mayo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 27 November 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because the section lines shown in both Figures 2 and 5 are not labeled in accordance with 37 C.F.R. 1.84(h)(3). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 100 and 200. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 27 November 2002 have been disapproved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein.

Identifying indicia, if provided, should include the title of the invention, inventor's

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name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.185(a). Failure to take corrective action within the set (or extended) period will result in **ABANDONMENT** of the application.

Specification

4. The disclosure is objected to because of the following informalities: it fails to fulfill 37 C.F.R. 1.71(a) by identifying MYLAR® as a 4-way stretchable material on page 10 as amended by the response (paper no. 8) filed 27 November 2002. Specifically, MYLAR® is a material similar to CELLOPHANE® having high tensile strength and very low stretch capability. Appropriate correction is required.

Claim Objections

5. Claims 13 and 22 are objected to because of the following informalities: typographical error(s), grammatical error(s).

In claim 13 on line 2, change "0,5" to --0.5--.

In claim 22 on line 2, change "elastimer" to --elastomer--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 11, 23 through 34, 46 through 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of the trademark MYLAR® in claim 11 on line 2 renders the scope of the claimed invention indefinite. Applicant is advised to amend the claim by substituting the generic terminology therefor. Claims 23, 34, 46, 57, and 69 are similarly rejected.

With regard to claim 11, the scope of the claimed invention is unclear because MYLAR® is not a 4-way stretchable material. Claims 23, 34, 46, 57, and 69 are similarly rejected.

Claim 24 recites the limitation "said second permanent adhesive" on line 7. There is insufficient antecedent basis for this limitation in the claim.

The terms "safe" and "secure" in claims 47 through 69 are relative terms that render the claim indefinite. The terms "safe" and "secure" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 54 recites the limitation "said expanded vinyl" on line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 55 recites the limitation "said expanded vinyl" on line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 §U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 4, 24, 27, and 47 are rejected under 35 U.S.C. §102(b) as being anticipated by Franz (U.S. Patent No. 5,042,318).

Franz '318, as seen in Figures 1 through 5, discloses a grip (2) comprising:

with regard to claims 1 and 24,

a skin layer (8) having a top surface and a bottom surface;

a 4-way stretchable material layer (4) with a stretchable top surface and a stretchable bottom surface, said top surface of said stretchable layer adhered permanently to said bottom surface of said skin layer (col. 2, lines 51 through 54); and

a releasable adhesive (6) disposed on said bottom surface of said 4-way stretchable layer; and

with regard to claims 4 and 27,

wherein the grip has alignment targets (14, 16) disposed along an axis parallel to its length.

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Franz '318, as seen in Figures 1 through 5, discloses a system for providing a releasable attachable grip on a railing comprising:

with regard to claim 47,

a railing (1) having a length and cross-sectional circumference;

a 4-way stretchable layer (4) having an inner layer and an outer layer, said inner surface of said 4-way stretchable layer releasably adhered to said railing; and

a skin layer (8) wrapped around said 4-way stretchable layer, said skin layer having an outer surface and an inner surface, said inner surface of said skin layer permanently adhered to said outer surface of said 4-way stretchable layer (col. 2, lines 51 through 54).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 25, 48, 50, and 51, are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Hildebrandt (U.S. Patent No. 5,511,445).

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Franz '318 further discloses:

with regard to claim 50,

wherein the grip has alignment targets (14, 16) disposed along an axis parallel to its length; and

with regard to claim 51,

wherein said alignment targets are approximate to lengthwise ends of said grip.

Franz '318 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 2, 25, and 48,

the skin layer having a thickness of between about 0.5 millimeters and about 6.25 millimeters.

Hildebrandt '445, as seen in Figures 1, 3, 4, and 6, shows a flexible grip for handles comprising a skin layer (16) having a thickness of about 0.02 inch \approx 0.51 mm so as to be relatively thin while providing a protective covering over a flexible core sheet (14; col. 3, lines 27 through 33).

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With regard to claims 2, 25, and 48, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the make the skin layer of the device shown by Franz '318 with a thickness of approximately 0.51 mm as taught by Hildebrandt '445. The motivation for selecting the desired thickness would have been to cover the 4-way stretchable material without impeding handling by a user.

12. Claims 3, 6, 26, 29, and 70 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Oseroff et al. (U.S. Patent No. 3,848,480).

Franz '318 further discloses:

with regard to claim 70,

providing a railing (1) having a length.

Franz '318 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 3 and 26,

the grip having tapered edges;

with regard to claims 6 and 29,

the skin layer being luminescent; and

with regard to claim 70,

the step of wrapping the grip of claim 3 around the railing in a spiral such that the tapered edges of the grip overlap to completely cover the length of the railing and such that the grip has a constant thickness.

Oseroff et al. '480, as seen in Figures 1 through 6, show a grip having tapered edges (15; col. 4, lines 63 through 68) for winding in a spiral fashion of constant thickness (col. 6, lines 3 through 7) and expressly teach the desirability of a luminescent handgrip for safe handling of the railing in the dark (col. 5, lines 35 through 42).

With regard to claims 3 and 26, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by Franz '318 such that it would include tapered edges as taught by Oseroff et al. '480. The motivation for modification would have been to permit overlapping of the edges of the device without substantially increasing the thickness.

With regard to claims 6 and 29, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by Franz '318 such that the skin layer would be luminescent as taught by Oseroff et al. '480. The motivation would have been to provide for safe handling in the dark.

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With regard to claim 70, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the method of using the device shown by Franz '318 such that it would include the step of wrapping the grip around the railing in a spiral as taught by Oseroff et al. '480. The motivation would have been to impart a desired aesthetic effect.

13. Claims 5, 28, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318).

Franz '318 further discloses:

with regard to claim 71,

a railing (1) having a lengthwise section and a cross sectional circumference and having alignment targets (the points of intersection of the four steering wheel support bars stemming from the end of the steering wheel column as seen in Figure 1) along its length.

Franz '318 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 5 and 28,

the alignment targets being approximate to lengthwise ends of the grip.

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With regard to claims 5 and 28, the alignment targets (14, 16) shown by Franz '318 are not proximate to lengthwise ends of the grip because the grip does not have ends. However, the alignment targets of the patented device are functionally equivalent to the alignment targets of the claimed invention. Moreover, Applicant fails to disclose any criticality attributable to the claimed limitation of the alignment targets being approximate to the lengthwise ends of the grip.

14. Claims 7 through 9 and 30 through 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Dolak (U.S. Patent No. 5,253,557).

Franz '318 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 7 and 30,

the skin layer comprising expanded vinyl;

with regard to claims 8 and 31,

the expanded vinyl having a textured surface; and

with regard to claims 9 and 32,

the expanded vinyl having a smooth surface.

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Dolak '557, as seen in Figures 6 and 8, shows a tool comprising handles and pliable sheaths covering each handle, the pliable sheaths being made of expanded vinyl to resiliently deform to cushion a user's hand (col. 4, lines 42 through 55).

With regard to claims 7 and 30, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by Franz '318 such that the skin layer would be made of expanded vinyl as taught by Dolak '557. The motivation would have been to provide a deformable cushion for the user's hand.

With regard to claims 8 and 31, while the combination of Franz '318 and Dolak '557 does not expressly teach the use of textured expanded vinyl, it is a well known expedient in the art of machine elements to texture a surface to reduce slippage.

With regard to claims 9 and 32, while the combination of Franz '318 and Dolak '557 does not expressly teach the use of smooth expanded vinyl, it is a well known expedient in the art of machine elements that smooth surfaces are often desirable for handling.

15. Claims 10 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Keller (U.S. Patent No. 5,074,165).

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Franz '318 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 10 and 33,

the skin layer being selected from the group consisting of leather, plastic sheeting, plastic roll stock, foam material, polyurethane, woven fabric, urethane, rubber, and foil.

Keller '165, as seen in Figures 1 through 5, shows a steering wheel cover comprising a skin layer made of leather, vinyl, polyethylene, cloth, paper, or combinations thereof, the materials being selected for their capability of being easily trimmed (col. 2, lines 55 through 63).

With regard to claims 10 and 33, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by Franz '318 such that the skin layer would comprise leather as taught by Keller '165. The motivation would have been to make the skin layer of a durable material.

16. Claims 12, 15, 16, 22, 35, 38, 39, 45, 58, 61, 62, 68, and 73 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Carlson et al. (U.S. Patent No. 6,362,387).

Franz '318, as seen in Figures 1 through 5, discloses a grip comprising:

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with regard to claims 12 and 35,

a skin layer (8) having a top surface and a bottom surface;

a 4-way stretchable material layer (4) with a stretchable top surface and a stretchable bottom surface, said top surface of said stretchable layer adhered permanently to said bottom surface of said skin layer (col. 2, lines 51 through 54); and

a releasably attachable adhesive (6) permanently disposed on said bottom surface of said 4-way stretchable layer;

with regard to claims 15 and 38,

wherein the grip has alignment targets (14, 16) disposed along an axis parallel to its length; and

with regard to claim 73,

a railing (1) having a lengthwise section and a cross sectional circumference and having alignment targets (the points of intersection of the four steering wheel support bars stemming from the end of the steering wheel column as seen in Figure 1) along its length.

Franz '318, as seen in Figures 1 through 5, discloses a system for providing a releasable attachable grip on a railing comprising:

with regard to claim 58,

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a railing (1) having a length and cross-sectional circumference;

a 4-way stretchable layer (4) having an inner layer and an outer layer, said inner surface of said 4-way stretchable layer releasably adhered to said railing; and

a skin layer (8) wrapped around said 4-way stretchable layer, said skin layer having an outer surface and an inner surface, said inner surface of said skin layer permanently adhered to said outer surface of said 4-way stretchable layer (col. 2, lines 51 through 54); and

with regard to claim 61,

wherein the grip has alignment targets (14, 16) disposed along an axis parallel to its length.

Franz '318 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 12 and 35,

a backing layer having a top surface and a bottom surface, the top surface of the backing layer being permanently adhered to the bottom surface of the skin layer; and

the 4-way stretchable material layer being permanently adhered to the bottom surface of the backing layer;

with regard to claims 16 and 39,

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the alignment targets being approximate to lengthwise ends of the grip;

with regard to claims 22, 45, and 68,

the backing layer being selected from the group consisting of open cell foam, closed cell foam, elastomer rubber material, felt, and paper;

with regard to claim 58,

a backing layer wrapped around the 4-way stretchable layer, the backing layer having an outer surface and an inner surface, said inner surface of said backing layer permanently adhered to said outer surface of the 4-way stretchable layer;

the inner surface of the skin layer being permanently adhered to the outer surface of the backing layer; and

with regard to claim 62,

the alignment targets being approximate to lengthwise ends of the grip.

Carlson et al. '387, as seen in Figure 5, disclose a composite material comprising:

a skin layer (38),

a backing layer (40) having a top surface and a bottom surface, the top surface of the backing layer being permanently adhered to the bottom surface of the skin layer; and

a foam material layer (42) being permanently adhered to the bottom surface of the backing layer;

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wherein the backing layer provides additional cushioning and protection for the device and is used to transfer forces between the skin layer and the foam layer (col. 6, lines 54 through 65); and

wherein the backing material is an elastomer rubber material (col. 3, lines 10 through 14).

With regard to claims 12, 22, 35, 45, 58, and 68, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by Franz '318 such that it would include a backing layer consisting of an elastomer rubber material interposed between the skin layer and the 4-way stretchable material layer as taught by Carlson et al. '387. The motivation would have been to provide an additional layer of cushioning and protection.

With regard to claims 16, 39, and 62, the alignment targets (14, 16) shown by Franz '318 are not proximate to lengthwise ends of the grip because the grip does not have ends. However, the alignment targets of the patented device are functionally equivalent to the alignment targets of the claimed invention. Moreover, Applicant fails to disclose any criticality attributable to the claimed limitation of the alignment targets being approximate to the lengthwise ends of the grip.

17. Claims 13, 36, and 59, are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Carlson et al. (U.S. Patent No. 6,362,387)

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as applied to claims 12, 35, and 58, respectively, above, and further in view of Hildebrandt (U.S. Patent No. 5,511,445).

Franz '318 in view of Carlson et al. '387 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 13, 36, and 59,

the skin layer having a thickness of between about 0.5 millimeters and about 6.25 millimeters.

Hildebrandt '445, as seen in Figures 1, 3, 4, and 6, shows a flexible grip for handles comprising a skin layer (16) having a thickness of about 0.02 inch \approx 0.51 mm so as to be relatively thin while providing a protective covering over a flexible core sheet (14; col. 3, lines 27 through 33).

With regard to claims 13, 36, and 59, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the make the skin layer of the device shown by the combination of the Franz '318 and Carlson et al. '387 with a thickness of approximately 0.51 mm as taught by Hildebrandt '445. The motivation for selecting the desired thickness would have been to cover the 4-way stretchable material without impeding handling by a user.

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18. Claims 17, 40, and 63 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Carlson et al. (U.S. Patent No. 6,362,387) as applied to claims 12, 35, and 58, respectively, above, and further in view of Oseroff et al. (U.S. Patent No. 3,848,480).

Franz '318 in view of Carlson et al. '387 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 17, 40, and 63,

the skin layer being luminescent.

Oseroff et al. '480, as seen in Figures 1 through 4, expressly teach the desirability of a luminescent handgrip for safe handling in the dark (col. 5, lines 35 through 42).

With regard to claims 17, 40, and 63, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by the combination of Franz '318 and Carlson et al. '387 such that the skin layer would be luminescent as taught by Oseroff et al. '480. The motivation would have been to provide for safe handling of the railing in the dark.

19. Claims 18 through 20, 41 through 43, and 64 through 66 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of

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Carlson et al. (U.S. Patent No. 6,362,387) as applied to claims 12, 35, and 58 above, and further in view of Dolak (U.S. Patent No. 5,253,557).

Franz '318 in view of Carlson et al. '387 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 18, 41, and 64,

the skin layer comprising expanded vinyl;

with regard to claims 19, 42, and 65,

the expanded vinyl having a textured surface; and

with regard to claims 20, 43, and 66,

the expanded vinyl having a smooth surface.

Dolak '557, as seen in Figures 6 and 8, shows a tool comprising handles and pliable sheaths covering each handle, the pliable sheaths being made of expanded vinyl to resiliently deform to cushion a user's hand (col. 4, lines 42 through 55).

With regard to claims 18, 41, and 64, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by the combination of Franz '318 and Carlson et al. '387 such that the skin layer would be made of

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expanded vinyl as taught by Dolak '557. The motivation would have been to provide a deformable cushion for the user's hand.

With regard to claims 19, 42, and 65, while the combination of Franz '318, Carlson et al. '387, and Dolak '557 does not expressly teach the use of textured expanded vinyl, it is a well known expedient in the art of machine elements to texture a surface to reduce slippage.

With regard to claims 20, 43, and 66, while the combination of Franz '318, Carlson et al. '387, and Dolak '557 does not expressly teach the use of smooth expanded vinyl, it is a well known expedient in the art of machine elements that smooth surfaces are often desirable for handling.

20. Claims 21, 44, and 67 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Carlson et al. (U.S. Patent No. 6,362,387) as applied to claims 12, 35, and 58 above, and further in view of Keller (U.S. Patent No. 5,074,165).

Franz '318 in view of Carlson et al. '387 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claims 21, 44, and 67,

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the skin layer being selected from the group consisting of leather, plastic sheeting, plastic roll stock, foam material, polyurethane, woven fabric, urethane, rubber, and foil.

Keller '165, as seen in Figures 1 through 5, shows a steering wheel cover comprising a skin layer made of leather, vinyl, polyethylene, cloth, paper, or combinations thereof, the materials being selected for their capability of being easily trimmed (col. 2, lines 55 through 63).

With regard to claims 21, 44, and 67, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by the combination of Franz '318 and Carlson et al. '387 such that the skin layer would comprise leather as taught by Keller '165. The motivation would have been to make the skin layer of a durable material.

21. Claims 49 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Hildebrandt (U.S. Patent No. 5,511,445) as applied to claim 48 above, and further in view of Oseroff et al. (U.S. Patent No. 3,848,480).

Franz '318 in view of Hildebrandt '445 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claim 49,

the grip having tapered edges; and

with regard to claim 52,

the skin layer being luminescent.

Oseroff et al. '480, as seen in Figures 1 through 6, show a grip having tapered edges (15; col. 4, lines 63 through 68) for winding in a spiral fashion of constant thickness (col. 6, lines 3 through 7) and expressly teach the desirability of a luminescent handgrip for safe handling in the dark (col. 5, lines 35 through 42).

With regard to claim 49, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by the combination of Franz '318 and Hildebrandt '445 such that it would include tapered edges as taught by Oseroff et al. '480. The motivation for modification would have been to permit overlapping of the edges of the device without substantially increasing the thickness.

With regard to claim 52, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to further modify the device shown by the combination of Franz '318 and Hildebrandt '445 such that the skin layer would be luminescent as taught by Oseroff et al. '480. The motivation would have been to provide for safe handling of the railing in the dark.

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22. Claims 53 through 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Hildebrandt (U.S. Patent No. 5,511,445) as applied to claim 48 above, and further in view of Dolak (U.S. Patent No. 5,253,557).

Franz '318 in view of Hildebrandt '445 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claim 53,

the skin layer comprising expanded vinyl;

with regard to claim 54,

the skin layer comprising expanded vinyl having a textured surface; and

with regard to claim 55,

the skin layer comprising expanded vinyl having a smooth surface.

Dolak '557, as seen in Figures 6 and 8, shows a tool comprising handles and pliable sheaths covering each handle, the pliable sheaths being made of expanded vinyl to resiliently deform to cushion a user's hand (col. 4, lines 42 through 55).

With regard to claims 53 through 55, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by the

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combination of Franz '318 and Hildebrandt '445 such that the skin layer would be made of expanded vinyl as taught by Dolak '557. The motivation would have been to provide a deformable cushion for the user's hand.

With regard to claim 54, while the combination of Franz '318, Hildebrandt '445, and Dolak '557 does not expressly teach the use of textured expanded vinyl, it is a well known expedient in the art of machine elements to texture a surface to reduce slippage.

With regard to claim 55, while the combination of Franz '318, Hildebrandt '445, and Dolak '557 does not expressly teach the use of smooth expanded vinyl, it is a well known expedient in the art of machine elements that smooth surfaces are often desirable for handling.

23. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Hildebrandt (U.S. Patent No. 5,511,445) as applied to claim 48 above, and further in view of Keller (U.S. Patent No. 5,074,165).

Franz '318 in view of Hildebrandt '445 discloses all of the features of the claimed invention with the exception(s) of:

with regard to claim 56,

the skin layer being selected from the group consisting of leather, plastic sheeting, plastic roll stock, foam material, polyurethane, woven fabric, urethane, rubber, and foil.

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Keller '165, as seen in Figures 1 through 5, shows a steering wheel cover comprising a skin layer made of leather, vinyl, polyethylene, cloth, paper, or combinations thereof, the materials being selected for their capability of being easily trimmed (col. 2, lines 55 through 63).

With regard to claim 56, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by the combination of Franz '318 and Hildebrandt '445 such that the skin layer would comprise leather as taught by Keller '165. The motivation would have been to make the skin layer of a durable material.

24. Claims 14, 37, 60, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (U.S. Patent No. 5,042,318) in view of Carlson et al. (U.S. Patent No. 6,362,387) as applied to claims 12, 35, and 58 above, and further in view of Oseroff et al. (U.S. Patent No. 3,848,480).

Franz '318 further discloses:

with regard to claim 72,

a railing (1) having a length.

Franz '318 as modified by Carlson et al. '387 disclose all of the features of the claimed invention with the exception(s) of:

with regard to claims 14, 37, and 60,

the grip having tapered edges; and

with regard to claim 72,

the step of wrapping the grip of claim 14 around the railing in a spiral such that the tapered edges of the grip overlap to completely cover the length of the railing and such that the grip has a constant thickness.

Oseroff et al. '480, as seen in Figures 1 through 6, show a grip having tapered edges (15; col. 4, lines 63 through 68) for winding in a spiral fashion of constant thickness (col. 6, lines 3 through 7).

With regard to claims 14, 37, and 60, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the device shown by the combination of Franz '318 and Carlson et al. '387 such that it would include tapered edges as taught by Oseroff et al. '480. The motivation for modification would have been to permit overlapping of the edges of the device without substantially increasing the thickness.

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With regard to claim 72, it would have been obvious to one of ordinary skill in the art of machine elements at the time of invention to modify the method of using the device shown by the combination of Franz '318 and Carlson et al. '387 such that it would include the step of wrapping the grip around the railing in a spiral as taught by Oseroff et al. '480. The motivation would have been to impart a desired aesthetic effect.

Allowable Subject Matter

25. Claims 11, 23, 34, 46, 57, and 69 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

26. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Comments

27. Applicant is reminded to amend the Specification to correspond with any proposed changes to the drawings.

28. Interpretation by the Examiner of the reference to Franz (U.S. Patent No. 5,042,318), specifically the surface (6) as being a "releasable adhesive", is supported by Webster's New Collegiate Dictionary which defines the following:

adhere *vb*

3: to hold fast or stick by or as if by gluing, suction, grasping, or fusing

¹adhesive *adj*

2: tending to adhere or cause adherence

²adhesive *n*

1: an adhesive substance (as glue or cement)

29. With regard to the claimed limitation of the skin layer being permanently adhered to the 4-way stretchable layer, the device disclosed by Franz '318 anticipates the limitation.

Specifically, in column 2 on lines 51 through 54 the reference teaches adhering the skin layer (8) to the 4-way stretchable layer (4). The adhesive is clearly permanent as removal of the one layer from the other layer is precluded by elements 10 and 11, which are shown in Figs. 1 through 5 to be secured by stitching. Furthermore, Franz '318 is silent with respect to any desirability to remove the skin layer (8) from the 4-way stretchable layer (4).

30. With regard to claims 47 through 69, the term "railing" as used throughout the claims has been interpreted by the Examiner to be any hand support system. The interpretation is supported by the Specification on page 11 where Applicant discloses the equivalence of a railing to a hand support system.

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Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ostrem (U.S. Patent No. 4,102,377) shows a steering wheel cover device comprising a composite of a synthetic plastic and a foam material.

Reeves et al. (U.S. Patent Nos. 5,234,740 and 5,491,015) show a slip control sheet.

Brown et al. (U.S. Patent No. 6,017,830) disclose a composite material comprising a reinforcing material (col. 3, lines 4 through 9).

Pitts (U.S. Patent No. 6,485,159) teaches the use of luminescence.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 703-305-3019. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703-308-3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-3795 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

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TLM

3 February 2003



THOMAS B. WILL
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